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**Telecommunications Cable Corporation and Local  
1104, Communications Workers of America,  
AFL-CIO. Case 29-CA-17871**

May 16, 1996

**DECISION AND ORDER**

BY CHAIRMAN GOULD AND MEMBERS COHEN  
AND FOX

Upon a charge filed by the Union on December 3, 1993, the General Counsel of the National Labor Relations Board issued a complaint on February 28, 1994, against Telecommunications Cable Corporation, the Respondent, alleging that it has violated Section 8(a)(1) of the National Labor Relations Act. On July 14, 1994, the Regional Director for Region 29 of the National Labor Relations Board approved a settlement agreement between the parties. On August 18, 1995, the Regional Director revoked the settlement agreement for the Respondent's failure and refusal to comply with the settlement agreement and reissued the complaint, as amended. Although properly served copies of the charge, the original February 28, 1994 complaint, and the August 18, 1995 reissued, amended complaint, the Respondent failed to file an answer to either the February 28, 1994 complaint or the August 18, 1995 reissued, amended complaint.

On April 10, 1996, the General Counsel filed a Motion for Summary Judgment with the Board. On April 15, 1996, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on Motion for Summary Judgment**

Sections 102.20 and 102.21 of the Board's Rules and Regulations provide that the allegations in the complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, both the original complaint and the reissued, amended complaint affirmatively note that unless an answer is filed within 14 days of service, all the allegations in the respective complaints will be considered admitted. Further, the undisputed allegations in the Motion for Summary Judgment disclose that the Region, by letter dated December 5, 1995, notified the Respondent that unless an answer to the August 18, 1995 complaint were re-

ceived by December 15, 1995, a Motion for Summary Judgment would be filed.

In the absence of good cause being shown for the failure to file a timely answer, we grant the General Counsel's Motion for Summary Judgment.

On the entire record, the Board makes the following

**FINDINGS OF FACT**

**I. JURISDICTION**

At all material times, the Respondent, a New York corporation with its principal office and place of business located at 845 East 43rd Street, Brooklyn, New York, and places of business located at 354 North Avenue, New Rochelle, New York, and the premises of Cablevision, Inc., located at 160 Sunrise Highway, Freeport, New York, has been engaged in the operation of a cable communication system, providing technical support and service to cable television networks. During the 12-month period preceding issuance of the reissued, amended complaint, a representative period, the Respondent, in the course and conduct of its business operations, purchased and received at its New York facilities products, goods, and materials valued in excess of \$50,000 from other enterprises located within the State of New York, each of which enterprises had purchased and received the products, goods, and materials directly from points outside the State of New York. We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

**II. ALLEGED UNFAIR LABOR PRACTICES**

About September 3, 1993, the Respondent interrogated its employees and job applicants concerning their membership in, activities on behalf of, and sympathies for the Union, directed its employees and job applicants not to talk to representatives of the Union, and threatened its employees with discharge if they joined or supported the Union, and unless they stopped talking to representatives of the Union.

**CONCLUSION OF LAW**

By the acts and conduct described above, the Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, and has thereby engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and Section 2(6) and (7) of the Act.

**REMEDY**

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action de-

signed to effectuate the policies of the Act. Specifically, in accordance with the General Counsel's request, we shall order the Respondent to mail a signed copy of the attached notice to each employee at their residence.

### ORDER

The National Labor Relations Board orders that the Respondent, Telecommunications Cable Corporation, Brooklyn, New York, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Interrogating its employees or job applicants concerning their membership in, activities on behalf of, or sympathies for Local 1104, Communications Workers of America, AFL-CIO.

(b) Directing its employees or job applicants not to talk to representatives of the Union.

(c) Threatening its employees with discharge if they join or support the Union, or unless they stop talking to representatives of the Union.

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Duplicate and mail, at its own expense, within 14 days after service by the Region, a signed copy of the attached notice marked "Appendix"<sup>1</sup> to all current employees and former employees employed by the Respondent at any time since December 3, 1993.

(b) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region

<sup>1</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. May 16, 1996

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William B. Gould IV, Chairman

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Charles I. Cohen, Member

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Sarah M. Fox, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

### APPENDIX

NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

WE WILL NOT interrogate our employees or job applicants concerning their membership in, activities on behalf of, or sympathies for Local 1104, Communications Workers of America, AFL-CIO.

WE WILL NOT direct our employees or job applicants not to talk to representatives of the Union.

WE WILL NOT threaten our employees with discharge if they join or support the Union, or unless they stop talking to representatives of the Union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

TELECOMMUNICATIONS CABLE CORPORATION